

## Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 EA-07 ISO-00 CAB-02 CIAE-00 COME-00

DODE-00 DOTE-00 INR-07 NSAE-00 EPG-02 FAA-00 L-03

INT-05 SS-15 NSC-05 NSCE-00 SSO-00 USIE-00

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DRAFTED BY EB/AN:TJROESCH:VLV

APPROVED BY EB/AN:RABROWN

EA/J - S.ECTON

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O 172101Z JUN 77

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO IMMEDIATE

INFO AMEMBASSY LONDON IMMEDIATE

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LONDON FOR STYLES, USCIVAIRDEL

E.O. 11652: N/A

TAGS: EAIR, JA

SUBJECT: CIVAIR - JAPANESE RESPONSE TO MAY 13 PROPOSAL

1. ON JUNE 17 MINISTER FUKADA PRESENTED JAPANESE RESPONSE TO MAY 13 PROPOSAL. HE SAID JAPANESE SEE THEIR OFFER AS VERY GOOD BUT ADDED THAT IT WAS A PACKAGE DEAL AND INCLUDED IN PACKAGE (ALTHOUGH NOTWRITTEN DOWN) WAS CANCELLATION OF CAB'S RESTRICTION ON JAL'S OFF-ROUTE CHARTERS.

2. TEXT OF PROPOSAL FOLLOWS:

QUOTE. MEMORANDUM OF CONSULTATIONS. DELEGATIONS OF JAPAN AND THE UNITED STATES OF AMERICA HAVE HELD CONSULTATIONS ON LIMITED OFFICIAL USE

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CIVIL AIR TRANSPORT ISSUES BETWEEN THE TWO COUNTRIES.

IN THE LIGHT OF THE RESULTS OF CONSULTATIONS ON IMMEDIATE ISSUES AS ATTACHED BETWEEN THE AERONAUTICAL AUTHORITIES OF THE TWO COUNTRIES, THE TWO DELEGATIONS CONFIRMED THAT NEGOTIATIONS WOULD BE RESUMED WITH THE OBJECTIVE OF REACHING AN AGREEMENT ON REVISION ISSUES OF THE CURRENT CIVIL AIR

TRANSPORT AGREEMENT BY DECEMBER 21, 1977. IT WAS AGREED THAT THESE NEGOTIATIONS WOULD BE HELD BEGINNING JULY 11 FOR ONE WEEK, OCTOBER 3 FOR TWO WEEKS, AND NOVEMBER 14 FOR AT LEAST TWO WEEKS, AND THAT THE TWO GOVERNMENTS WOULD RAISE

THE LEVEL OF THE REPRESENTATIVES FOR THESE TALKS.

AGREED MINUTE. THE REPRESENTATIVES OF THE AERONAUTICAL AUTHORITIES OF JAPAN AND THE UNITED STATES OF AMERICA HAVE AGREED TO RECORD THE FOLLOWING AFTER HAVING HAD CONSULTATIONS TO REACH PRACTICAL SOLUTIONS WITH REGARD TO CERTAIN IMMEDIATE ISSUES, AS PROVISIONAL ARRANGEMENTS PENDING THE CONCLUSION OF THE REVISION TALKS ON THE CIVIL AIR TRANSPORT AGREEMENT BETWEEN THE TWO COUNTRIES.

1. CAPACITY ARRANGEMENT.

REGARDING THE CAPACITY ARRANGEMENT, THE JAPANESE SIDE STATED AS FOLLOWS:

"SETTING ASIDE DIFFERENCES OF VIEWS BETWEEN THE TWO COUNTRIES CONCERNING THE AGREED MINUTE OF JANUARY 14, 1959, JAPAN AND THE UNITED STATES SHOULD AGREE IN PRINCIPLE, AS A PROVISIONAL MEASURE UNTIL THE COMPLETION OF THE REVISION TALKS, TO FREEZE THE CAPACITY OF REGULARLY SCHEDULED SERVICES OF THE AIRLINES OF BOTH COUNTRIES (INCLUDING THE SUBSTITUTION OF AIRCRAFT WITH GREATER CAPACITY) ON ALL THE JAPAN-US ROUTES AS OF APRIL 1, 1977, WITH THE EXCEPTION OF THE FOUR ROUNDTRIP SERVICES PER WEEK ON TOKYO-Saipan ROUTE LIMITED OFFICIAL USE

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BY THE CONTINENTAL/AIR MICRONESIA AND JAPAN AIR LINES RESPECTIVELY.

"IN CASE JAPANESE OR US AIRLINES WISH TO INCREASE CAPACITY ON A SPECIFIC ROUTE, CONSULTATIONS SHOULD TAKE PLACE BETWEEN AIRLINES OR BETWEEN AUTHORITIES BASED ON THE EVALUATION OF SUPPLY-DEMAND RELATIONS ON THE SAID ROUTE. IT IS TO BE UNDERSTOOD THAT AN AIRLINE OF THE PART WHICH PROVIDES LESS CAPACITY IN THE SAID ROUTE WILL BE GIVEN PRIORITY TO INCREASE CAPACITY. THE INCREASE OF CAPACITY WOULD NOT BE PERMITTED IF NO AGREEMENT IS REACHED IN THE CONSULTATIONS."

THE US SIDE, IN RESPONSE, STATED AS FOLLOWS:

"THE US WOULD REFRAIN FROM SUBMITTING TO THE JAPANESE AUTHORITIES FURTHER INCREASES IN CAPACITY BY US SCHEDULED AIRLINES PRIOR TO DECEMBER 31, 1977, IT BEING UNDERSTOOD THAT NORMAL SEASONAL VARIATIONS IN CAPACITY MAY CONTINUE

TO TAKE PLACE AND THAT US AIRLINES WILL RECEIVE THE SAME TREATMENT AS OTHER INTERNATIONAL AIRLINES WHEN OSAKA IS OPENED FOR USE BY WIDE-BODIED AIRCRAFT."

IN ORDER TO REACH A PRACTICAL SOLUTION, THE JAPANESE AND THE US SIDES AGREED THAT THE CAPACITY OF THE RESPECTIVE

AIRLINES SHOULD NOT BE INCREASED PENDING THE CONCLUSION OF THE REVISION TALKS, WITH AN UNDERSTANDING THAT SUCH AN AGREEMENT WOULD NOT PREJUDICE THE POSITIONS OF THE TWO COUNTRIES ON THE CAPACITY PROBLEM, EXCEPT THE FOLLOWING CASES:

(1) TOKYO-Saipan SERVICE.

JAPAN AIR LINES AND CONTINENTAL/AIR MICRONESIA MAY COMMENCE SERVICES ON THE TOKYO-Saipan ROUTE ON OR AFTER JUNE 1, LIMITED OFFICIAL USE

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1977, AT THE LEVEL OF FOUR ROUNDTRIP FLIGHTS PER WEEK AND MAY INCREASE THIS LEVEL TO SEVEN ROUNDTRIP FLIGHTS PER WEEK AS OF OCTOBER 1, 1977. IT IS UNDESTOOD THAT CONTINENTAL/AIR MICRONESIA WILL UTILIZE B-727-100 AIRCRAFT FOR THIS SERVICE.

(2) OSAKA-HONOLULU ROUTE BY PAN AMERICAN.

THE JAPANESE SIDE WILL EXERT UTMOST EFFORTS TO SECURE THE NECESSARY SLOTS AT OSAKA AIRPORT FOR THE OPERATION OF THE FOLLOWING PAN AMERICAN'S SERVICES.

UTILIZING THE SLOTS TO BE MADE AVAILABLE BY THE JAPANESE SIDE, PAN AMERICAN MAY OPERATE SERVICES ON THE OSAKA-HONOLULU ROUTE STARTING FROM JULY 22 THROUGH AUGUST 24 PROVIDED THAT IT WILL OBSERVE CONDITIONS STATED BELOW RECOGNIZING THE ENVIRONMENTAL PROBLEMS IN THE VICINITIES OF OSAKA AIRPORT.

(I) NOISE EXPOSURE LEVEL SHOULD NOT EXCEED 107 DB(A) AT THE TIME OF LANDING AND TAKEOFFS.

(II) LANDING AND TAKEOFFS SHOULD TAKE PLACE BETWEEN 8:00 A.M. AND 7:00 P.M.

(III) EXCESSIVE PUBLICITY SHOULD NOT BE GIVEN ON THE SERVICES BETWEEN OSAKA AND HONOLULU.

(3) TOKYO-HONOLULU-SAN FRANCISCO ROUTE BY JAPAN AIR LINES.

JAPAN AIR LINES IN ADDITION TO THE CURRENT SCHEDULED SERVICES MAY OPERATE SERVICES ON THE TOKYO-HONOLULU-SAN FRANCISCO ROUTE AT THE LEVEL OF FIVE ROUNDTRIP FLIGHTS PER WEEK DURING JULY AND AUGUST AND FOUR ROUNDTRIP FLIGHTS PER WEEK DURING SEPTEMBER AND OCTOBER, UTILIZING B-747 AIR-LIMITED OFFICIAL USE

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CRAFT.

(4) ALL CARGO SERVICES.

US AIRLINES MAY SUBSTITUTE SIX WEEKLY FLIGHTS OF CONVENTIONAL AIRCRAFT (DC-8-F OR B-707-F) WITH B-747-F AIRCRAFT ON AND AFTER NOVEMBER 1, 1977. JAPAN AIR LINES MAY INCREASE ITS FREQUENCY BY THREE FLIGHTS PER WEEK UTILIZING B-747-F AIRCRAFT ON AND AFTER NOVEMBER 1, 1977.

BOTH SIDES MAY MAKE ADDITIONAL SUBSTITUTION OF AIRCRAFT WITHIN THE SAME LEVEL OF CAPACITY AS STATED ABOVE. (E.G., BY CEASING THREE WEEKLY FLIGHTS OF CONVENTIONAL AIRCRAFT, THE US AIRLINES MAY SUBSTITUTE ADDITIONAL THREE WEEKLY FLIGHTS OF CONVENTIONAL AIRCRAFT WITH B-747-F AIRCRAFT.)

(5) INTRODUCTION OF WIDE-BODIED AIRCRAFT AT OSAKA AIRPORT.

WHEN WIDE-BODIED AIRCRAFT IS PERMITTED TO LAND AT OSAKA AIRPORT ON INTERNATIONAL ROUTES, US AIRLINES MAY SUBSTITUTE CONVENTIONAL AIRCRAFT WITH WIDE-BODIED AIRCRAFT PROVIDED THAT NO INCREASE OF CAPACITY WOULD TAKE PLACE ON ROUTES BETWEEN JAPAN AND THE US, AND ROUTES BEYOND JAPAN.

## 2. SAIPAN ISSUE

(1) BOTH SIDES AGREED TO RECOMMEND TO THEIR RESPECTIVE GOVERNMENTS TO TAKE NECESSARY MEASURES IN AMENDING JAPANESE ROUTE 4 TO READ "FROM JAPAN TO SAIPAN AND GUAM" IN ACCORDANCE WITH ARTICLE 16(A) OF THE CIVIL AIR TRANSPORT AGREEMENT.

BOTH SIDES ALSO AGREED THAT THEY WILL ISSUE NECESSARY PERMITS AS PROMPTLY AS POSSIBLE TO JAPAN AIR LINES AND CONTINENTAL/AIR MICRONESIA RESPECTIVELY SO THAT THEY MAY COMMENCE THEIR SERVICES SIMULTANEOUSLY ON THE TOKYO-SAIPAN LIMITED OFFICIAL USE

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ROUTE.

(2) IT IS UNDERSTOOD THAT NEITHER US NOR JAPANESE AIRLINES WOULD OPERATE JAPAN-Saipan/Micronesia CHARTER FLIGHTS, NOR OPERATE CHARTER FLIGHTS BETWEEN TOKYO AND GUAM CARRYING CHARTER PASSENGERS DESTINED FOR SAIPAN.

(3) IT IS UNDERSTOOD THAT THE QUESTION OF GRANTING ADDITIONAL TRAFFIC RIGHTS TO JAPAN IN THE TRUST TERRITORY OF THE PACIFIC ISLANDS WILL FAVORABLY BE CONSIDERED IN THE REVISION TALKS.

### 3. SLOT QUESTION.

IT IS UNDERSTOOD THAT THE TOTAL REGULARLY ASSIGNED SLOTS AT HANEDA AIRPORT FOR THE US SCHEDULED AIRLINES WILL BE 332 PER WEEK AS FOLLOWS:

PAN AMERICAN	126
NORTHWEST	132
FLYING TIGER	70
CONTINENTAL/	
AIR MICRONESIA	4

IT IS ALSO UNDERSTOOD THAT CONTINENTAL/AIR MICRONESIA MAY USE SLOTS WHICH ARE CURRENTLY ALLOCATED TO OTHER US AIRLINES AS STATED ABOVE FOR THE FLIGHTS EXCEEDING TWO WEEKLY FLIGHTS ON THE TOKYO-Saipan ROUTE.

### 4. SLOTS FOR US SUPPLEMENTAL AIRLINES.

THE JAPANESE SIDE WILL GIVE FAVORABLE CONSIDERATION TO US SUPPLEMENTAL AIRLINES IN ALLOCATING SLOTS FOR CHARTER FLIGHTS AT HANEDA AIRPORT PROVIDED THAT THEY WOULD OPERATE CHARTER FLIGHTS WITH SUCH DUE INTERVALS AND AT SUCH TIME AS MAY BE ALLOTTED BY THE JAPANESE AUTHORITIES, WHILE LIMITED OFFICIAL USE

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PAYING RESPECTS TO AND OBSERVING THE CURRENT SYSTEM IN JAPAN CONCERNING THE ALLOCATION OF SLOTS.

### 5. ON THE OPERATION OF US AIRLINES USING FIFTH FREEDOM RIGHTS BEYOND JAPAN.

(1) IT WAS AGREED THAT US AIRLINES WILL TERMINATE OVER-NIGHT STAY OF THE FLIGHTS WHICH WILL USE FIFTH FREEDOM RIGHTS BEYOND JAPAN ON AND AFTER NOVEMBER 1, 1977.

(2) IT IS ALSO UNDERSTOOD THAT REMAINING QUESTION ON CAPACITY OF US AIRLINES USING FIFTH FREEDOM RIGHTS BEYOND JAPAN WILL BE RESOLVED DURING THE PERIOD OF THE REVISION

TALKS. END QUOTE.

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INFO OCT-01 ISO-00 EB-07 /013 R

66011  
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FOLLOWING REPEAT STATE 141393 ACTION TOKYO INFO LONDON JUN 17  
QUOTE LIMITED OFFICIAL USE STATE 141393

LONDON FOR STYLES, USCIVAIRDEL

E.O. 11652: N/A

TAGS: EAIR, JA

SUBJECT: CIVAIR - JAPANESE RESPONSE TO MAY 13 PROPOSAL

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IN THE LIGHT OF THE RESULTS OF CONSULTATIONS ON IMMEDIATE ISSUES AS ATTACHED BETWEEN THE AERONAUTICAL AUTHORITIES OF THE TWO COUNTRIES, THE TWO DELEGATIONS CONFIRMED THAT NEGOTIATIONS WOULD BE RESUMED WITH THE OBJECTIVE OF REACHING AN AGREEMENT ON REVISION ISSUES OF THE CURRENT CIVIL AIR TRANSPORT AGREEMENT BY DECEMBER 21, 1977. IT WAS AGREED THAT THESE NEGOTIATIONS WOULD BE HELD BEGINNING JULY 11 FOR ONE WEEK, OCTOBER 3 FOR TWO WEEKS, AND NOVEMBER 14 FOR AT LEAST TWO WEEKS, AND THAT THE TWO GOVERNMENTS WOULD RAISE

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JAPAN-US ROUTES AS OF APRIL 1, 1977, WITH THE EXCEPTION OF THE FOUR ROUNDTRIP SERVICES PER WEEK ON TOKYO-Saipan ROUTE BY THE CONTINENTAL/AIR MICRONESIA AND JAPAN AIR LINES RESPECTIVELY.

"IN CASE JAPANESE OR US AIRLINES WISH TO INCREASE CAPACITY ON A SPECIFIC ROUTE, CONSULTATIONS SHOULD TAKE PLACE BETWEEN AIRLINES OR BETWEEN AUTHORITIES BASED ON THE EVALUATION OF SUPPLY-DEMAND RELATIONS ON THE SAID ROUTE. IT IS TO BE UNDERSTOOD THAT AN AIRLINE OF THE PART WHICH PROVIDES LESS CAPACITY IN THE SAID ROUTE WILL BE GIVEN

PRIORITY TO INCREASE CAPACITY. THE INCREASE OF CAPACITY WOULD NOT BE PERMITTED IF NO AGREEMENT IS REACHED IN THE CONSULTATIONS."

THE US SIDE, IN RESPONSE, STATED AS FOLLOWS:

"THE US WOULD REFRAIN FROM SUBMITTING TO THE JAPANESE AUTHORITIES FURTHER INCREASES IN CAPACITY BY US SCHEDULED AIRLINES PRIOR TO DECEMBER 31, 1977, IT BEING UNDERSTOOD THAT NORMAL SEASONAL VARIATIONS IN CAPACITY MAY CONTINUE TO TAKE PLACE AND THAT US AIRLINES WILL RECEIVE THE SAME TREATMENT AS OTHER INTERNATIONAL AIRLINES WHEN OSAKA IS OPENED FOR USE BY WIDE-BODIED AIRCRAFT."

IN ORDER TO REACH A PRACTICAL SOLUTION, THE JAPANESE AND THE US SIDES AGREED THAT THE CAPACITY OF THE RESPECTIVE

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(1) TOKYO-Saipan SERVICE.

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JAPAN AIR LINES AND CONTINENTAL/AIR MICRONESIA MAY COMMENCE SERVICES ON THE TOKYO-Saipan ROUTE ON OR AFTER JUNE 1, 1977, AT THE LEVEL OF FOUR ROUNDTRIP FLIGHTS PER WEEK AND MAY INCREASE THIS LEVEL TO SEVEN ROUNDTRIP FLIGHTS PER WEEK AS OF OCTOBER 1, 1977. IT IS UNDERSTOOD THAT CONTINENTAL/AIR MICRONESIA WILL UTILIZE B-727-100 AIRCRAFT FOR THIS SERVICE.

(2) OSAKA-HONOLULU ROUTE BY PAN AMERICAN.

THE JAPANESE SIDE WILL EXERT UTMOST EFFORTS TO SECURE THE NECESSARY SLOTS AT OSAKA AIRPORT FOR THE OPERATION OF THE FOLLOWING PAN AMERICAN'S SERVICES.

UTILIZING THE SLOTS TO BE MADE AVAILABLE BY THE JAPANESE SIDE, PAN AMERICAN MAY OPERATE SERVICES ON THE OSAKA-HONOLULU ROUTE STARTING FROM JULY 22 THROUGH AUGUST 24 PROVIDED THAT IT WILL OBSERVE CONDITIONS STATED BELOW RECOGNIZING THE ENVIRONMENTAL PROBLEMS IN THE VICINITIES OF OSAKA AIRPORT.

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(II) LANDING AND TAKEOFFS SHOULD TAKE PLACE BETWEEN 8:00 A.M. AND 7:00 P.M.

(III) EXCESSIVE PUBLICITY SHOULD NOT BE GIVEN ON THE SERVICES BETWEEN OSAKA AND HONOLULU.

(3) TOKYO-HONOLULU-SAN FRANCISCO ROUTE BY JAPAN AIR LINES.

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JAPAN AIR LINES IN ADDITION TO THE CURRENT SCHEDULED SERVICES MAY OPERATE SERVICES ON THE TOKYO-HONOLULU-SAN FRANCISCO ROUTE AT THE LEVEL OF FIVE ROUNDTRIP FLIGHTS PER WEEK DURING JULY AND AUGUST AND FOUR ROUNDTRIP FLIGHTS PER WEEK DURING SEPTEMBER AND OCTOBER, UTILIZING B-747 AIRCRAFT.

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WHEN WIDE-BODIED AIRCRAFT IS PERMITTED TO LAND AT OSAKA AIRPORT ON INTERNATIONAL ROUTES, US AIRLINES MAY SUBSTITUTE CONVENTIONAL AIRCRAFT WITH WIDE-BODIED AIRCRAFT PROVIDED THAT NO INCREASE OF CAPACITY WOULD TAKE PLACE ON ROUTES BETWEEN JAPAN AND THE US, AND ROUTES BEYOND JAPAN.

## 2. SAIPAN ISSUE

(1) BOTH SIDES AGREED TO RECOMMEND TO THEIR RESPECTIVE GOVERNMENTS TO TAKE NECESSARY MEASURES IN AMENDING JAPANESE ROUTE 4 TO READ "FROM JAPAN TO SAIPAN AND GUAM" IN ACCORDANCE WITH ARTICLE 16(A) OF THE CIVIL AIR TRANSPORT AGREEMENT.

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BOTH SIDES ALSO AGREED THAT THEY WILL ISSUE NECESSARY PERMITS AS PROMPTLY AS POSSIBLE TO JAPAN AIR LINES AND CONTINENTAL/AIR MICRONESIA RESPECTIVELY SO THAT THEY MAY COMMENCE THEIR SERVICES SIMULTANEOUSLY ON THE TOKYO-SAIPAN ROUTE.

(2) IT IS UNDERSTOOD THAT NEITHER US NOR JAPANESE AIRLINES WOULD OPERATE JAPAN-SAIPAN/MICRONESIA CHARTER FLIGHTS, NOR OPERATE CHARTER FLIGHTS BETWEEN TOKYO AND GUAM CARRYING CHARTER PASSENGERS DESTINED FOR SAIPAN.

(3) IT IS UNDERSTOOD THAT THE QUESTION OF GRANTING ADDITIONAL TRAFFIC RIGHTS TO JAPAN IN THE TRUST TERRITORY OF THE PACIFIC ISLANDS WILL FAVORABLY BE CONSIDERED IN THE REVISION TALKS.

### 3. SLOT QUESTION.

IT IS UNDERSTOOD THAT THE TOTAL REGULARLY ASSIGNED SLOTS AT HANEDA AIRPORT FOR THE US SCHEDULED AIRLINES WILL BE 332 PER WEEK AS FOLLOWS:

PAN AMERICAN	126
NORTHWEST	132
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CONTINENTAL/	
AIR MICRONESIA	4

IT IS ALSO UNDERSTOOD THAT CONTINENTAL/AIR MICRONESIA MAY USE SLOTS WHICH ARE CURRENTLY ALLOCATED TO OTHER US AIRLINES AS STATED ABOVE FOR THE FLIGHTS EXCEEDING TWO WEEKLY FLIGHTS ON THE TOKYO-SAIPAN ROUTE.

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### 4. SLOTS FOR US SUPPLEMENTAL AIRLINES.

THE JAPANESE SIDE WILL GIVE FAVORABLE CONSIDERATION TO US SUPPLEMENTAL AIRLINES IN ALLOCATING SLOTS FOR CHARTER FLIGHTS AT HANEDA AIRPORT PROVIDED THAT THEY WOULD OPERATE CHARTER FLIGHTS WITH SUCH DUE INTERVALS AND AT SUCH TIME AS MAY BE ALLOTTED BY THE JAPANESE AUTHORITIES, WHILE PAYING RESPECTS TO AND OBSERVING THE CURRENT SYSTEM IN JAPAN CONCERNING THE ALLOCATION OF SLOTS.

5. ON THE OPERATION OF US AIRLINES USING FIFTH FREEDOM  
RIGHTS BEYOND JAPAN.

(1) IT WAS AGREED THAT US AIRLINES WILL TERMINATE OVER-  
NIGHT STAY OF THE FLIGHTS WHICH WILL USE FIFTH FREEDOM  
RIGHTS BEYOND JAPAN ON AND AFTER NOVEMBER 1, 1977.

(2) IT IS ALSO UNDERSTOOD THAT REMAINING QUESTION ON  
CAPACITY OF US AIRLINES USING FIFTH FREEDOM RIGHTS BEYOND  
JAPAN WILL BE RESOLVED DURING THE PERIOD OF THE REVISION  
TALKS. END QUOTE.

VANCE UNQUOTE CHRISTOPHER

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## Message Attributes

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**Litigation History:**  
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**Message ID:** a17b827a-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
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**Original Previous Handling Restrictions:** n/a  
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**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
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**Status:** NATIVE  
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**To:** TOKYO  
**Type:** TE  
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EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009